

## REMARKS

This application has been reviewed in light of the Office Action dated November 18, 2003. Claims 12 and 15-25 are presented for examination, of which Claims 12 and 18-24 are in independent form. Claims 13 and 14 have been canceled, without prejudice or disclaimer of the subject matter. Claim 25 has been added to provide Applicants with a more complete scope of protection, and Claims 12 and 16-24 have been amended to define still more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

Claims 12-22<sup>1</sup> were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,478,858 (*Ohtsuka et al.*).

As shown above, Applicants have amended independent Claims 12 and 18-24 in terms that more clearly define the present invention. Applicants submit that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The present invention has as an aim to control the condition of a source device or an output device so as to maximize the effect of the conversion process performed on image information, based on a profile provided for that purpose.

The aspect of the present invention set forth in Claim 12 is an image processing apparatus that includes input means, converting means, and setting means. The input means input image data from a source device having a function for adjusting an image processing condition on a basis of an instruction from a user. The converting means convert the input image

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<sup>1</sup>The Office Action only rejected Claims 12-22, however, the Amendment dated June 27, 2003 added Claims 23 and 24. Claims 23 and 24 are similar to Claims 12 and 18, respectively, but do not use means-plus-function language.

data to device independent image data by using a profile of the source device. The setting means set a standard condition included in the profile as an image processing condition of the source device, where the adjusted image processing condition corresponding to the instruction of the user is made invalid, and the input image data subjected to conversion by the converting means is generated by the source device using the standard condition set by the setting means.

A notable feature of Claim 12 is that a standard condition included in the profile is set as an image processing condition of the source device, where the adjusted image processing condition corresponding to the instruction of the user is made invalid, and the input image data subjected to conversion by the converting means is generated by the source device using the standard condition set by the setting means.

*Ohtsuka et al.* relates to a method and system for predicting a reproduced color image by establishing a color space data conversion formula including printing conditions such as print paper, ink, and such that are used as parameters. The color space data is converted into color space data for an image monitor device according to the established color space data conversion formula, and the color space data is outputted so as to make it possible to predict colors.

The Office Action at page 2 appears to equate the image processor 16 shown in Figure 1 of *Ohtsuka et al.* with to the setting means of independent Claim 1. The image processor 16 of *Ohtsuka et al.* uses look up tables (common color space LUT, gamut mapping/appearance LUT, and device color space LUT) generated from a profile (as shown in Figures 2-6), in accordance with an instructed condition, to perform image processing. That is, the image processor 16 performs image processing by using the LUT corresponding to a user's instruction. In contrast, in the claimed invention, as defined by amended independent Claim 12,

a standard condition included in a profile of a source device is set as the image processing condition of the source device while an adjusted image processing condition corresponding to a user's instruction is made invalid.

Nothing has been found in *Ohtsuka et al.* that would teach or suggest setting means setting a standard condition included in the profile as an image processing condition of the source device, where the adjusted image processing condition corresponding to the instruction of the user is made invalid, and the input image data subjected to conversion by the converting means is generated by the source device using the standard condition set by the setting means, as recited in Claim 12.

Accordingly, Applicants submit that Claim 12 is clearly patentable over *Ohtsuka et al.*

Similarly, the aspect of the present invention set forth in Claim 18 is an image processing apparatus that comprises means for converting input image data by using a source profile of a source device and an output profile of an image output device, and means for outputting the converted image data to the image output device having a function for adjusting an image output condition on a basis of an instruction of a user, as well as means for setting a standard condition included in the output profile as an image output condition of the image output device. Also, according to Claim 18, the adjusted image output condition corresponding to the instruction of the user is made invalid, and the image output device processes the converted image data by using the standard condition set by the setting means.

For reasons substantially similar as those discussed above in connection with Claim 12, Applicants submit that nothing has been found in *Ohtsuka et al.* that would teach or suggest setting a standard condition included in the output profile as an image output condition

of the image output device where the adjusted image output condition corresponding to the instruction of the user is made invalid, and the image output device processes the converted image data by using the standard condition set by the setting means, as recited in Claim 18.

Accordingly, Applicants submit that Claim 18 is clearly patentable over *Ohtsuka*.

Independent Claims 19 and 20 are method and recording medium claims corresponding to apparatus Claim 12, and Claims 21 and 22 are method and recording medium claims corresponding to Claim 18. Moreover, independent Claims 23 and 24 are similar respectively to Claims 12 and 18 but do not use means-plus-function language. All of these independent claims are thought to be allowable for substantially the same reasons as are Claims 12 and 18.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. These claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
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